

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Telecommunications Relay Services And Speech-to-)	CC Docket 98-67
Speech Services for Individuals with Hearing and)	CG Docket 03-123
Speech Disabilities)	

To: The Commission

***SUPPLEMENT TO ANNUAL REPORT ON PROGRESS OF MEETING WAIVED
REQUIREMENTS***

Hands On Video Relay Services, Inc. (“Hands On”), by its counsel and pursuant to the staff’s October 22, 2004 letter, provides its supplement to its annual report on progress toward meeting certain telecommunications relay service (“TRS”) requirements which are waived for video relay service (“VRS”).

Speed of Answer.

Currently the requirement that calls be answered within ten seconds, 85 percent of the time, is waived. Hands On is pleased to advise the Commission that current technology would allow it to meet an answer time standard of 85 percent of calls answered within 25-30 seconds. Meeting an answer time standard of less than 25-30 seconds presents a technical problem due to the several seconds necessary for the incoming call to handshake with the Hands On video interpreter’s computer station. It is for that reason that Hands On believes an appropriate answer speed for VRS is 25-30 seconds and that the Commission should adopt such a standard forthwith while providing a six month transition period for VRS providers to meet this standard.

However, meeting that answer speed standard is dependent on having a sufficient number of video interpreters available to handle call volume. That is not possible at this writing, because of

funding limitations resulting from the current VRS reimbursement rate. That limitation prohibits Hands On and other VRS providers from staffing sufficiently to meet call volume at this time.

Since call volume is a relatively random occurrence, call volume cannot be predicted with a high degree of certainty. To maintain an adequate answer time, VRS providers must employ a sufficient number of interpreters. An adequate number of interpreters cannot now be employed. Because of this fact, Hands On's actual average answer speed has consistently been above one minute since the Commission lowered the VRS rate on 12 hours' notice effective July 1, 2003. Unless the Commission raises the VRS rate to a sufficient level to allow hiring the necessary number of interpreters, an improved answer speed will be difficult to achieve.

Emergency Call Handling.

Hands On can respond to a VRS caller's request to connect to an emergency agency, but location information must be provided real time by the customer to the video interpreter. Although Hands On may be able to capture the IP address of a VRS caller's computer or videophone, that address is subject to manipulation; moreover, Hands On does not have access to the specific location where that computer or videophone may be in use. Additionally, even if it had a specific street address tied to the IP address, Hands On cannot automatically route an emergency call to the appropriate public safety answering point. Research and development are necessary to create a mechanism to provide specific location information and integrate that information with public safety answering point data, for example, like GPS technology provides. Accordingly, automatic routing of emergency calls is not yet possible due to the research and development efforts required.

Hands On has been unable to conduct the needed research and development efforts due to the Commission's policy determination that research and development expense for waived standard is

not a reasonable cost of VRS. This creates a chicken and egg problem since providers cannot meet waived standard unless sufficient funds are available to cover the reasonable cost of research and development. Accordingly, absent a change in the Commission's interpretation of reasonable VRS costs to include research and development efforts to meet waived standards, Hands On lacks the funds to commit to expenditures for which it would not be compensated.

Operator assisted calls; billing for long distance calls.

Pursuant to existing waiver, VRS providers are not required to handle operator assisted calls and are not required to bill certain types of long distance calls to the end user.¹ *See VRS Waiver Order*, 17 FCC Rcd at 161. Hands On currently completes long distance calls at no charge to the VRS user. Moreover, incoming calls to be routed to deaf or hard of hearing persons over the Internet come to Hands On via an 800 number at no charge to the calling party. By the very nature of VRS, it is difficult for Hands On to know whether a call coming to it is local, even if IP address data are available.

Hands On completes calls via the most affordable method where appropriate. Hands On also handles 411 information calls for its customers at no charge to them. Therefore, deaf and hard of hearing persons receive service comparable to the switched telephone network. Requiring VRS providers such as Hands On to handle all operator assisted calls and to bill long distance calls to its deaf or hard of hearing users is problematic. Hands On does not have the billing mechanism for

¹ FCC Rule Section 64.604(a)(3) requires TRS providers to complete all types of calls.

these calls. Nor pursuant to the existing interpretation of what are reasonable costs, does Hands On have the resources to devote to development of the billing mechanism. Completion of operator assisted calls and billing for long distance calls is technically possible, but only through credit card billing, and as the Commission has acknowledged, using calling cards is not a viable alternative. *VRS Waiver Order*, 17 FCC Rcd at 161. Moreover, at present the Hands On platform is not set up to accept credit card billing. To do so would again require research and development efforts to design software modifications which would tax its already overextended engineering staff.

Equal access to interexchange carriers. Waiver of the equal access to interexchange carrier requirement has been granted for several reasons. First, since the deaf to VI portion of a VRS call is carried over the Internet, the VRS provider does not necessarily know the interexchange carrier of choice of the consumer since the consumer's identity may not in fact be known.² Second, choice of carrier is not critical in the VRS context since the deaf or hard of hearing consumer is not paying for call completion. Third, with VRS still in its infancy, requiring VRS providers to route calls over a host of different interexchange carriers would serve to unnecessarily increase the costs of providing VRS service even if it were possible to charge actual long distance costs to the deaf or hard of hearing customers. Fourth, because a VRS provider may be located in another state from the deaf or hard of hearing consumer, what may be a local call for the deaf or hard of hearing person is likely to be a toll call for the VRS provider. Thus, the Commission concluded that implementing carrier of

² There is no requirement for registration of VRS customers and any such requirement would raise privacy concerns.

choice for VRS is likely to lead to confusion, increased complaints and unnecessary costs, without serving any appreciable public interest objective.

From a technical standpoint, if an IP address can be tied to an exchange area, part of the problem of locating the deaf or hard of hearing person is solvable. However, this still leaves each of the other issues addressed above, which are not readily solvable. The principal technical and practical issue is that VRS service is not a local service. There are only a handful of VRS providers and VRS call centers. Thus, cost considerations strongly favor continuation of the choice of carrier waiver. Relatedly is the fact that most VRS calls are interstate in routing, even if they are local in origin. For example, Hands On currently operates two call centers in California and one in Vancouver, WA. Were a deaf or hard of hearing person in Arlington, Virginia to make a call to Washington, DC, over Hands On's network, that call would be routed over the Internet from Arlington to California or Washington state, and then completed as an interexchange call from to Washington, DC, even though the call would be a local call if placed by a hearing person over the public switched telephone network. Likewise, were the Arlington caller to place a call to Roseville, CA, via Hands On's VRS service, and that call transmit over the Internet to the Rocklin, CA call center, it would be completed as a local call to Roseville. Thus, the very nature of the Internet transmission of the call raises issues concerning the appropriate means of billing. These require Commission policy decisions prior to any technological solution.

900 number services. The *VRS Waiver Order* waived the requirement for handling pay-per-call services, *see* FCC Rule Section 64.604(b)(6), due to the expected low demand for these types of calls and the burden this requirement would impose on startup VRS providers. *VRS Waiver Order*, 17 FCC Rcd at 164. That waiver was recently extended to IP Relay providers at the request of

Sprint. Sprint sought waiver on the ground that 900 service providers require the ANI of the calling party. The ANI obviously cannot be provided in an IP Relay context for the same reason it cannot be provided for emergency call handling.

Hands On has made no progress in resolving this issue. Again, this is an issue, resolution of which, requires research and development efforts that are not possible without a change in the FCC's interpretation of what are reasonable costs of providing VRS service. As long as the Commission takes the view that research and development should not be a VRS rate element, no progress is possible on solving this matter.

Call release.

Call release would allow two VRS users to converse with one another after Hands On has set up the call. Two VRS users can now talk to one another without VRS if they have video conferencing software which is compatible with one another. For Hands On to feature this service would require research and development in a number of areas. The platform's video software would have to be modified to provide a second window so the video interpreter could sign to more than one person at a time. In addition, a means of translating incompatible video conferencing formats would have to be achieved. In addition, at least one VRS provider blocks its proprietary hardware and software to prevent its VRS users from accessing other VRS providers, so legal and technical means would have to be found to defeat this blocking in order to provide universal access. These are just some of the areas in which research and development would be necessary. The Commission, however, does not consider such research and development costs to be included in the reasonable costs of providing VRS, and Hands On cannot afford to do the research and development with no

expectation of recouping its costs. Therefore, Hands On has made no progress in meeting this waiver.

Three-way calling.

Three-way calling is currently possible from one VRS user to two or more hearing users through conference calling using the public switched telephone network. Three-way calling among two VRS users and one or more hearing users is not possible without additional research and development and addition to the VRS platform of certain additional hardware. Hands On estimates the additional cost of the research and development and hardware would be approximately \$750,000.

In addition to the modification to the platform video software discussed above, users would need to have available video conferencing software with multiple video windows so that two VRS users could see each other as well as the interpreter. Other platform related research and development efforts would need to be made.

Hands On has experience conducting audio conference calls set up over a conference bridge where each deaf person calls in using a separate VI. In Hands On's view that is a much more manageable situation at this point. Should the Commission determine that this type of arrangement satisfies the waiver, Hands On is fully capable of offering that service. In any event, with a reasonable level of research and development and capital spending, full three way calling is possible as explained above.

Speed dialing

Hands On offers speed dialing through the personal phonebook feature on its platform. It therefore needs no waiver of this requirement.

VCO-to-TTY, HCO-to-TTY, VCO-to-VCO and HCO-HCO.

VCO to TTY and HCO to TTY require the video interpreter to video interpret to a deaf, hard of hearing or speech impaired individual and simultaneously operate a keyboard to interpret to the TTY user. Though technically possible with certain modifications to Hands On's platform, such a call requires the VI to conduct two hand intensive interpretations. The VI cannot sign and type at the same time. Hands On questions the utility of such calls since they will be disjointed due to the time necessary to conduct separate transliterations using sign language and TTY. Moreover, the likelihood of confusion on the part of VIs is substantial. Such calls are likely to cause strain and fatigue to a VI. A better means of doing such a call -- to the extent there is any demand for them -- is for the VI to place the call to a text relay service so that the text relay operator can handle the TTY side of the call and the VI can handle the VRS side of the call. Informal discussion with the staff has indicated at least some question whether such a call is a compensable relay call, however. Thus, FCC clarification of this requirement is necessary in the VRS context.

VCO to VCO and HCO to HCO calls may have some of the similar problems if TTYs are used for one side of the conversation. The VI can interpret to the VRS user who is using VCO, but will likely have difficulty typing the incoming voice message from VCO TTY user. Similarly, with HCO to HCO, the interpreter must concurrently read the signing of the VRS user and read the incoming text of the TTY user. The interpreter cannot therefore pay attention to both ends of the conversation and is likely to miss significant portions of the conversation. VCO to VCO and HCO to HCO VRS calls could be done with video conferencing software modifications similar to those discussed concerning three-way calling. If the FCC were conclude that the reasonable costs of providing relay included research and development to meet waived standard, these software modifications could be undertaken.

Conclusion.

Resolution of the issues which resulted in each of the TRS rule waivers discussed above lies principally in allowing providers to receive reimbursement for research and development expenses necessary to meet waived standards. Without adequate VRS funding, no meaningful progress can be made on these matters that require research and development. To Hands On's knowledge, no progress is being made by any provider under the current cost recovery mechanism on these issues.

Respectfully submitted,

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